

Burg 113571

Remarks

Reconsideration of claims 1-4, 7-15 and 18-27 is respectfully requested.

In the Office action dated August 31, 2004 (application Paper No. not shown), the Examiner rejected all pending claims as rendered obvious under the standards of 35 USC § 103(a). In light of the above amendments to independent claims 1 and 13, as well as the associated discussion, applicant believes that the claims are now ready to issue.

In particular, the Examiner rejected all pending claims under 35 USC 103(a) as being unpatentable over Goss et al. (of record), when considered with Morganstein (also of record). In response to applicant's prior assertions, the Examiner re-iterated his point that "Goss taught a control server as an intermediary node in performing service functions. In combination with Morganstein, the references taught to perform the functions of receiving availability/unavailability messages and estimating time-in-queue information for insertion in a "call queue status message" at the control server.

Applicant continues to assert, in response, that Goss et al. does not disclose or suggest the use of an intermediary node (now further defined as location in a "communication network") to dialog between a subscriber and call center to perform call set up functions. The Examiner makes reference to a "control server" in the rejection as equivalent to the service control point/service (intermediary) node in applicant's rejected claims. Presuming the Examiner is referring to the use of contact server 28 of Goss et al., it is asserted that contact server 28 is located within, and is considered as part of, a "call center" in Goss et al. See, for example, FIG. 1 of Goss et al. Thus, the functions of server 28 are intimately related to the particulars of that identified call center.

In contrast, the functionality of the present invention resides in a communication network, where the service control point/service node then interacts with various call centers, as well as other network elements, and function as a true "intermediate" node between subscribers and various call centers. Independent claims 1 and 13 have been

Burg 113571

amended to emphasize the point that the functionality of the present invention occurs in the communication network – and not in a call center, as taught by Goss et al.

In light of this difference, applicant believes that the claims as amended are now allowable over the combination of Goss et al. and Morganstein. Applicant thus respectfully requests the Examiner to reconsider the rejection and find claims 1-4, 7-15 and 18-27 to be in condition for allowance. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

Frederick Murray Burg

By: Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for applicants
610-346-7112

Date: 11/29/04